IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 19334 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHREE GHARNAL MOTI SAMUDAYIK KHETI SAHAKARI MANDALI
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :
MR VIRAT G POPAT for the Petitioner
MR JK SHAH, ASSISTANT GOVERNMENT PLEADER for Respondent Nos.1 and 2
MR MEHUL H RATHOD for Respondent No.3

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 29/10/2007

ORAL JUDGMENT

1. Heard Mr.Popat, learned advocate for the petitioner, Mr.Jaswant K.Shah, learned Assistant Government Pleader for

respondent Nos.1 and 2 and Mr.Mehul H.Rathod, learned advocate for respondent No.3.

The order passed by the Collector dated 27.08.2007 is placed on record.

2. Mr.Popat, learned advocate for the petitioner, submitted that the grounds on which the request of the petitioners to grant the land is turned down are not borne out from the record. One of the grounds on which the request of the petitioners is turned down is that, 'the land belongs to, 'Gauchar' and the total 'Gauchar' land in the village is less then the required 'Gauchar' land, looking to the number of cattle in the village'.

If it is so, the petitioner can challenge the order on this ground as well as on other grounds available to it by filing appropriate proceedings. Besides, if the petitioner is of the opinion that it should approach the authorities once again and request for the grant of land, it can do so.

3. With these observations, the petition is disposed of as not pressed. Rule is discharged. No costs.

In the event the petitioner approaches the authorities with a request to grant of land, it will be obligatory on the part of the authorities to consider the request of the petitioner strictly in accordance with law, following the procedure required under the law and without being influenced by the fact that its present petition is disposed of, as

expeditiously as possible, but not later than 6 months from the date of receipt of application from the petitioner.

At the request of Mr.Mehul H.Rathod, learned advocate for respondent No.3, it is directed that respondent No.3 – Panchayat be heard before any decision is taken on the application made by the petitioner. **Direct service** is permitted.

(RAVI R.TRIPATHI, J.)

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